

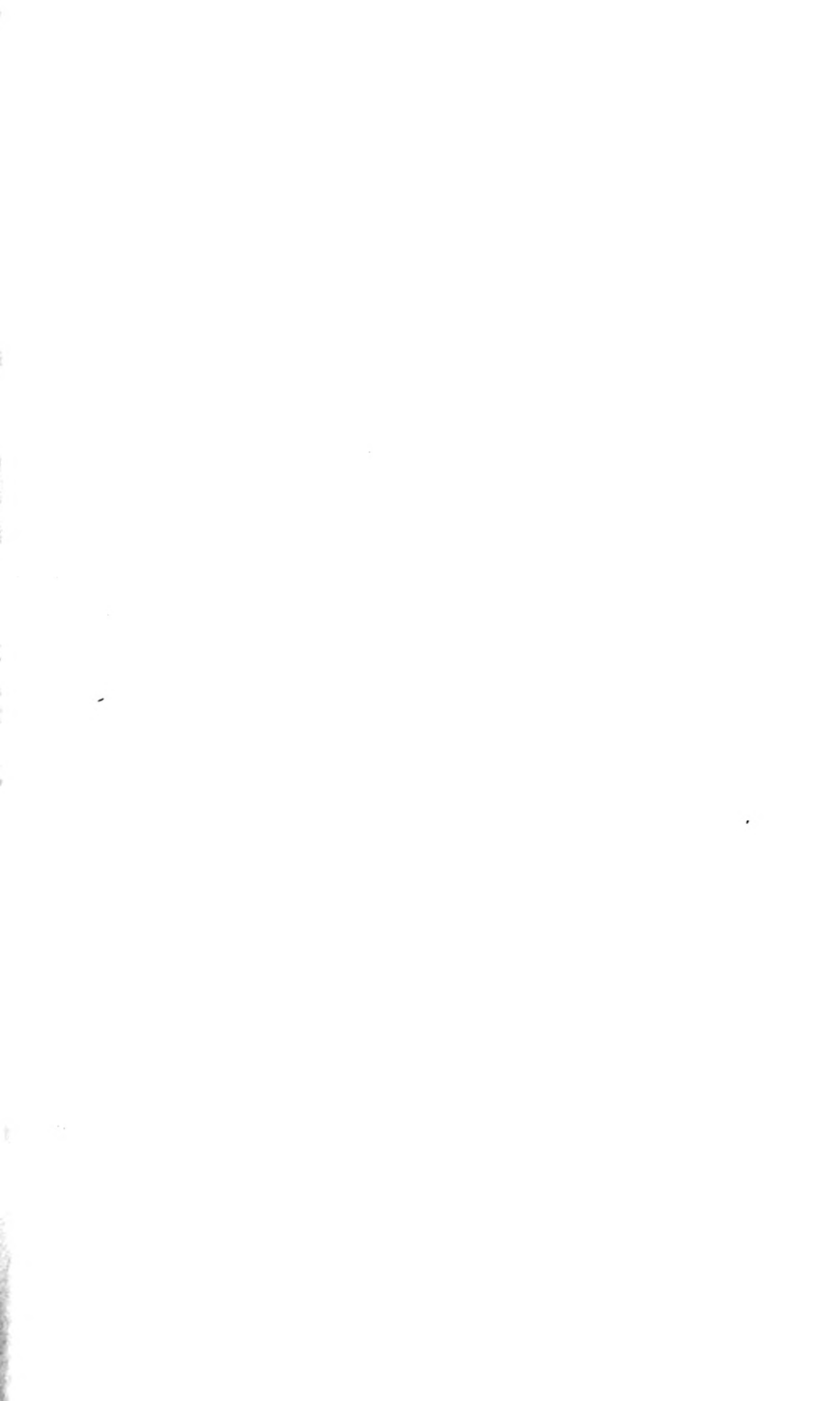
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T H R E E
S P E E C H E S
A G A I N S T
Continuing the Army, &c.
A S T H E Y W E R E S P O K E N
I N T H E
H O U S E o f C O M M O N S
T H E L A S T
S e s s i o n o f P a r l i a m e n t.

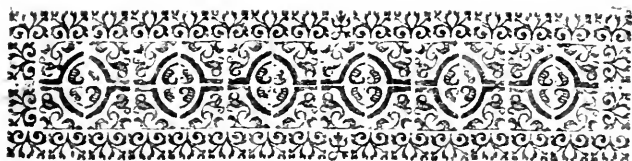
To which are Added,
The R E A S O N S given by
the L O R D S, who Protested against
the B I L L for *Punishing Mutiny and
Desertion.*

L O N D O N :

Printed for WILLIAM JOHNSON at the
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172.5-17

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A

S P E E C H

AGAINST

Continuing the Army, &c.

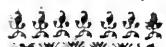


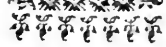
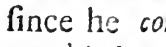
As it was

Spoken the 4th Day of *December*, 1717.
in the House of COMMONS.

By *W^m Shippen*, Esq;

Who was committed Prisoner to the
Tower, for some Passages in it.

S I R,

 Congratulate * the Honourable * General
 Person below, on his being re-^{L—y}.
 I stored to the good Opinion of
 † the Learned Gentleman, who † Sir F.
 spoke last. For it is not long
since he complimented (I will not say flattered) ANOTHER, at the Expence of that

A 2

Honour=

Honourable Person, and most of the *General Officers* in this Kingdom.

But as to the *Question* before us; 'tis my Misfortune to differ from the learned *Gentleman* in *ALL* he hath advanced, which, when stripped of some *Excursions*, may be reduced to these *Two Propositions*:

THAT the only Danger of Continuing the ARMY is the Expence of it.

THAT we ought to comply with the Number of Forces propos'd, because it is demanded by the KING, who is the best Judge of our Necessities.

I do not object to the *first Reason*, that the *Phrase* is *ambiguous*, and that it is difficult to know what he means by the *Danger of the Expence*. But, if I *understand* him, the *Answer* is obvious. For though the *Expence* is doubtless a Matter highly deserving the Consideration of *this House*, whose *Business* and *Duty* it is to dispose of the *publick Money* with the utmost *Frugality*; yet it is by no means the *chief*, or *only*, *Argument* against Keeping up *An Army in time of Peace*. The *chief Argument*, with great Submission, is, That the *Civil and Military Power* cannot long *subsist* together; That a *Standing Army in time of Peace* will necessarily *impede* the *free Execution* of the *Laws of the Land*. And 'tis therefore

therefore very extraordinary, that the *Expense* should be thought the only *Danger* (to use his own Terms) of a *Standing Army*, by a *Person*, whose *Profession* and *present Station* oblige him to make *those Laws* his *first Care*; and that it should be urged as such, in *this Place*, where so many *Millions* have been *cheerfully granted* for the *Defence* of *Them*.

The *second Reason* is no more *conclusive* than the *first*, as I hope to make appear in the *Sequel* of what I have to offer.

Gentlemen have insisted much on the great *Grace* and *Favour* shewn, in *Reducing the Army* since the *Beginning* of the *last Session*; and I presume not to say, that we were *deceived* into the *Vote* then given for maintaining THIRTY TWO THOUSAND MEN, because we always proceed with the utmost *Caution* and *Circumspection*, and because the *deep Designs* of the SWEDISH PLOT, which occasioned such *terrible Apprehensions* amongst us, have since been *fully discovered* to the *World*.

But however *wisely* it was then done, I hope never again to see, either the *same Number*, or near the *same Corps*, after some *artful Reductions*, continued in this Nation in time of *Peace*, on any *Pretence*, on any *Apprehensions* whatsoever.

I will not trouble you, Sir, with my *Remarks* on the *Fallacy* of *those Reductions*. They have been sufficiently *expos'd* by † a *Gentleman*,

† Mr. W——— is

who

who is better informed of the *Secret* of *that Affair*, and who, (I am glad to find) when he is contending for the Service of his Country, is no more afraid than myself, of being called a *Jacobite*, by those, who want *other Arguments* to support *their Debates*.

Our *present Consideration* is, Whether there are any Reasons to induce us, as our *Circumstances* now stand, to keep up ABOVE SIXTEEN THOUSAND MEN, with *Officers* for almost double that Number; and Whether, if we should consent to keep them up, we should *act* (as *His Majesty* desires we should) agreeably to the *Constitution* of these Kingdoms, and consequently to the *Principles* on which his Government is founded.

Now, in *Virtue* of that *Freedom* of *Speech* we are all entitled to, I beg Leave to declare my Opinion, That the Keeping up the Number proposed, is so far from being necessary to our Protection, that it will be inconsistent with our Safety, and an excessive Burthen to His Majesty's good Subjects. Nor do I think it possible any Arguments can be invented (none I am sure have been yet offered) to incline an House of Commons at this Time, when we are in a profound Tranquillity, some DOMESTICK HEADS excepted, to submit to that, which every Member, every Lover of Liberty, must own,

own, *abstractedly considered*, to be A GRIEVANCE, and such an One, as ought never to be *submitted to*, but in that most *desperate and deplorable Circumstance*, where it is to be *chosen* as the *less Evil*.

I know *these Assertions* interfere with what is laid down in the *second Paragraph* of *His Majesty's SPEECH*. But we are to consider *that Speech*, as the *Composition* and *Advice* of his *Ministry*, and are therefore at Liberty to debate *every Proposition* in it ; especially † THOSE, WHICH SEEM RATHER CALCULATED FOR THE MERIDIAN OF GERMANY, THAN OF GREAT-BRITAIN.

'Tis the ONLY Infelicity of His Majesty's Reign, That † HE IS UNACQUAINTED WITH OUR LANGUAGE AND CONSTITUTION; and 'tis therefore the more incumbent on his *British Ministers* to *inform* him, That our *Government* does not stand on the *same Foundations* with his *German Dominions*, which, by Reason of their *Situation* and the *Nature* of their *Constitution*, are obliged to keep up *Armies in Time of Peace*. Nor is it in the least to be wondered at, That *His Majesty*, who hath spent the *earlier Part* of his *Life* in those *Dominions*, should think SIXTEEN,

† These were the two Passages which gave Offence, and for which He was committed to the Tower.

or even THIRTY TWO, THOUSAND MEN might be continued in so rich and powerful a Nation, as this is, without being a Burthen to it. But when he shall come to understand, That the smaller Number in Time of Peace would be destructive to that Security and Ease of his People, for which he expresses so tender a Regard, he will doubtless be convinc'd, That those act most conformably to their Duty, and his Interest, who (as true Subjects of Great Britain) are against continuing more TROOPS, than have been usually thought and found sufficient, in the same Situation of Affairs, for the Support of the Crown and the Safety of the Kingdom.

I am therefore at a Loss, to conceive how Gentlemen can persuade themselves, That the Complying with this extraordinary Demand would promote His Majesty's Service. For it supposes not only a Distrust, but a Weakness in the Government; as if neither the Affections of the People at Home, nor the Treaties of our Allies Abroad, were to be depended on: Which is a Thought so injurious, so contradictory to some solemn Assurances from the Throne, that no one will presume to advance it openly in this House, or elsewhere; and yet it is all, in my humble Apprehension, included in this Motion. Nothing, indeed, can alienate the Hearts of the People from His Majesty; but such Attempts have formerly proved fatal

to Princes of less consummate Wisdom and Vertue. Nor are we to imagine, That the same Grievance is not equally mischievous in the Reign of a good Prince, as of a bad One. 'Tis sometimes more so, because less expected, and less guarded against.

Surely His Majesty will have no just Cause to doubt the Continuance of that Zeal for the Good of our Country, which (he is pleased to say) hath been so eminently conspicuous in every Session of this Parliament, if we make the Fate of other Nations a Document to ourselves on this Occasion ; if we think, That the Keeping up a larger Number of Forces, than is absolutely necessary, too dangerous an Experiment to be often repeated.

Let Gentlemen look round Europe, and they will find, That some of the freeest and bravest People in it have, by this very Method, lost their Liberties. They will find, That the Civil Power was from Time to Time drawn in, by pretended Exigencies to allow and maintain an armed Force in Peace ; which, as they at first thought, and were instructed to believe, was intended, to add Strength to their Authority, to secure them in the Possession of their Religious and Political Rights, to match the ambitious Designs of their Neighbour Nations, and to preserve the Ballance of Power. GLORIOUS INTENTIONS, if they had prov'd REAL ! But, though
B
they

they used all possible *Precaution*, though they made it the *Condition of their Establishment*, That the *Forces* should be *disbanded*, when the extraordinary *Occasion*, for which they were raised, ceased; yet they perceived too late, That their *Condition* was not *binding*, That they had erected a *Power superiour to themselves*, That the *Soldiery*, when they had tasted the *Sweets of Authority*, would not part with it, and, That **EVEN THEIR PRINCES** (after these temporary *Concessions* made to them) began to think, that ruling by an *Army* was a more easy, a more *compendious*, Way of *Government*, than acting under the *Restraints and Limitations of the Laws of their Country*. And now they wear **THE CHAINS**, which they put round their own *Necks*, and lament the *Loss of that FREEDOM*, which they unhappily consented to *destroy*, and which could never have been *destroyed* without their *Consent*.

But there is no need of fetching *Arguments*, on this *Subject*, from *foreign Nations*. Our own is too well acquainted with the *Effects of continuing an armed Force in Peace*, not to apprehend every Thing from it, be the *Pretext* never so *specious*.

"I would be *wasting* our *Time*, to recount the *Mischiefs*, which have from hence happened to this *Nation*; and I will not run back to former *Reigns*. But I cannot forbear

bear observing (what † my very good Friend Mr. Sarsfield
 near me hath already hinted) that it was
the great Grievance complained of in the
Bill of Rights, and was *that*, from which
 the *Revolution* was to deliver us. KING
 WILLIAM himself, after the *Peace of*
Ryswick, could not obtain above TEN
 THOUSAND MEN, though he had
 then a more enterprizing, and a more power-
 ful, Prince to deal with, than any now
 in this Part of the World. And the
Proceeding of that House of Commons must
 be ever justify'd by those, who have the
 least Concern for our Constitution, notwith-
 standing some ungrounded Insinuations, that
 it involved us in a long and expensive War.
 Besides, it is every Year declared in the *Act*
of Mutiny and Desertion, That the Keeping
 up a *Standing Army in Time of Peace* is against
Law; and as the *Freeing us from it*, was one
 of the *Ends* of the *Revolution*, so no doubt
 the *Preserving us for ever from any Attempt*
 of the like Nature, was one of THOSE
 INNUMERABLE GLORIOUS AD-
 VANTAGES propos'd by the ACT OF
 SUCCESSION.

But it hath been urged, that the *Consent*
 of *Parliament* reconciles all, and that *Forces*
 so continued are not to be accounted a *standing*
Army, because they are intended to keep out a
standing Army; which (with the || noble Lord's Leave, who makes the Distinction) is a

Notion too *fine*, too *Chimerical*, to be maintain'd.

I know indeed it is explained both in the *Bill of Rights*, and in the *Act of Mutiny and Desertion*, that the keeping up a *standing Army in Time of Peace* is illegal only, if done *without Consent of Parliament*. Now this in no Sort weakens the Argument, as to the *Inconvenience and Oppression*, of which I am speaking. For, tho' the *Parliament*, in these *Declaratory Laws*, seems to put in its *Claims* only against the *Incroachments* of the *Crown*, from whence it suppos'd such *Oppressions* were more likely to come, than from the *Representatives of the People*; yet the *Consent of Parliament* cannot alter the *Nature of Things*, cannot hinder the *same Causes* from Producing the *same Effects*. An *Army*, tho' kept up by *Consent of Parliament*, will, like other *Armies*, soon know its own Strength, will in Probability pursue the *Dictates of Self-Preservation*, and rather choose to dissolve that *Authority* with which it is *incompatible*, than tamely submit to its own *Dissolution*. An *Army*, tho' kept up by *Consent of Parliament*, if it hath no *Enemies Abroad*, will be apt to make *Depredations at Home*; and I wish there hath not been something of that *Kind* done this last Year: I wish we have no *Complaints*, from some of our own most considerable *Parliamentary Corporations*, of *Soldiers* demanding

demanding free Quarter, and Insulting the Chief Magistrates for Exerting the Power we have lodged with them, and endeavouring to redress the Grievances of the poor Inn-keepers and Inhabitants. Nay, the Consent of Parliament is so far from altering the Nature and Genius of Armies, that a Parliament-Army (consisting of about the Number now demanded) once committed greater Outrages, and gave a deeper Wound to the Constitution, than all the Armies of the Crown have ever done; and THAT ARMY was the Creature of A PARLIAMENT, which had establish'd itself. But, if we were to admit, for Argument's sake, That the Consent of Parliament could make Armies more tame and ductile, than they would otherwise be; I think however, it would not be advisable for a Parliament, that intends to act rationally, and agreeably, either to the Principles on which His Majesty's Government, or its own Power, is founded, to familiarize a Military Force to this Free Nation. For the very Name and Terror of it, would (without Oppression) awe and subdue the Spirits of the People, extinguish their Love of Liberty, and beget a mean and abject Acquiescence in Slavery.

S I R,

We have already *suspended Some Laws,*
and repealed Others, to comply with the
Necessities of the Administration. But pray
 let us not go further, let us not go on to
continue the Army, or the *greatest Part of it:*
 For so long as it is *continued,* so long is the
whole Constitution suspended, or at least, *in*
the Mercy of those, whom we arm against
 it.



A





A

S P E E C H

A G A I N S T

Continuing the Army, &c.

As it was

Spoken the 5th Day of *December*, 1717.

I N T H E

House of C O M M O N S.

By E—— J——, Esq;

S I R,

I Shall not waste the Time of the Committee in making an Apology for meddling in this Question; since I apprehend whatever I can yet call my own, to be at Stake in the Event of it. Whether the Army shall be disbanded, or continued, in Time of
of

of Peace? Whether we shall be governed by the Magistrate, or the Soldier? or, Whether we shall be bond or free? are, in my Opinion, Questions of the same Import.

I think myself *justify'd* in saying *this*, from the *Examples* of most Countries in *Europe*. They were *once free*, but if it be inquir'd, how, from a STATE OF FREEDOM, they sunk into SLAVERY, it will appear, That their *common Ruin* has proceeded from the Continuance of Regular Troops in Pay, after the Occasion, for which they were rais'd, was over.

That *this Island* has retained its FREEDOM longer, than the Countries on the Continent, has been imputed to its Situation; which not being so much exposed to the Incursions of its Neighbours, there was not the like Pretence for Keeping up Regular Troops. But the Preservation of our Liberties to this Time, is, in my Opinion, rather to be ascribed to the due Sense our Forefathers had of the Danger the Publick underwent from intrusting Princes with a standing Force in Time of Peace. And also to the Measure observed by the House of Commons, in giving such Supplies Only, as enabled the Prince to live in the full Enjoyment of his Prerogative, without putting it into his Power to affect the Liberties of the Subject.

From

From the *first credible Account* of Things in *this Kingdom*, down to *King Charles the Second's Time*, I can find no Instance, where the Crown kept up *Regular Troops* in *Time of Peace*, that of *Richard the Second* excepted.

He lived in a *tempestuous Age*; he had *Wars abroad*, and *Commutations at home*. The FIRST REBELLION, headed by *WATT TILER*, was composed without *Shedding the Blood* of any one of the *Rebels*, save *TLER HIMSELF*: The *King* gave them *good Words*; they laid down *their Arms*, went home, and were all *pardon'd*. ANOTHER REBELLION, of the *Men of KENT and ESSEX*, broke out, which occasion'd the *King's* Raising an *Army of Forty Thousand Men*. The *Rebels* apply'd by *Petition* to have their *Liberties and Franchises* allow'd them. But the *King* spoke to these in a *different Style*; he told them, *SLAVES THEY WERE, AND SLAVES THEY SHOULD BE*. *Five Hundred* of them were cut to *Pieces* in the *Field*, and *Fifteen Hundred* of them were afterward executed in *cold Blood*.

This *Severity* am'd the *Nation* for *ambile*. But, the *Discontent of the People* afterwards increasing, about the *Twentieth Year* of his *Reign* a *Parliament* was call'd, and, to use the *Historian's Words*, least I should offend any tender Ear, "*All Endeavours*

“ were us’d to procure such a Parliament,
 “ as would concur with the King’s Designs.”
 Before they met, Forces were rais’d “ to
 “ attend and guard the Parliament; which
 “ might at the same Time be an Awe upon
 “ any Refractory Members.” Touching the
 Numbers of which this Army consisted,
History is silent: This only we are given
 to know, that Four Thousand of them were
 ARCHERS, and that many of them
 were CHESHIRE-MEN. It is not
 to the present Purpose to go over the Extra-
 vagancies of that Parliament.

Into what a State Things were brought
 by that King’s Conduct, appears from an
Observation made by the same Historian,
 who says, “ That the King having thus
 “ establish’d his Power, and put himself be-
 “ yond all Opposition, thought himself secure,
 “ and an absolute Prince. But it being laid
 “ upon such a Foundation, as begat many
 “ Discontents among the People, all the Fa-
 “ brick prov’d weak, and was soon follow’d
 “ with lamentable Ruin.” When that King’s
 Affairs grew desperate, an Oath was requir’d
 from the Duke of Lancaster, afterwards
 Henry the Fourth, that he should cause the
 King to send home the CHESHIRE-
 GUARD, which was accordingly done.

I observe, in the Debate, it has been
 taken for granted, That the Crown of En-
 gland has a Right to a Number of Regu-
 lar Troops, under the Denomination of
 GUARDS.

GUARDS. This is a *Notion* I can by no means give into. It was not so *ab Antiquo*.

The *first Guards* we hear of (the *Yeomen of the Guard*, which were constituted by *Henry the Seventh*, being of another Kind) were in *Charles the Second's Time*: That *Prince*, immediately after his *Restoration*, got together a *small Number of Guards*, which at first seem'd to be meant only to add to the *Equipage* and *Splendor* of the Court. But it soon appear'd, that he had other *Views*: The *Guards*, by adding *Men* to *Troops* and *Companies*, and *Troops* and *Companies* to *Regiments*, were insensibly increased; so that in the Year 1677, they were got up to FIVE THOUSAND EIGHT HUNDRED NINETY MEN. Few *Sessions* pass'd, but they were taken Notice of in the *House of Commons*, and though *Money* was not ask'd of *Parliament* for their Support, yet they occasioned a general *Curiosities*.

About that Time, there was a Prospect of a War with *France*, on which Pretence an *Army* was rais'd. But, the War not proceeding, an Act pass'd, which gave the King SIX HUNDRED AND NINETEEN THOUSAND, THREE HUNDRED AND EIGHTY EIGHT POUNDS for *disbanding* the *Army*. When the *Parliament* met again, they were told from the *Throne*, " That the Forces were still kept

“ on Foot for the Preservation of our Neigh-
 “ bours, who otherwise had absolutely despair-
 “ ed ; and for preserving what was left in
 “ Flanders ; and, that the King was confi-
 “ dent no Body would repine at the Employ-
 “ ing that Money, which was rais’d for the
 “ Disbanding of the Army, for the Continuance
 “ of it.

This did not satisfy the House, and they came to a Resolution, “ That it was necessa-
 “ ry for the Safety of his Majesty’s Person,
 “ and preserving the Peace of the Government,
 “ That all Forces raised since the Twenty ninth
 “ of September 1677, should be disbanded.”
 Whereupon that Parliament, which went under the Name of the PENSIONER-PARLIAMENT, was dissolved.

The new Parliament, which met on the First of March following, had the same Apprehensions of Regular Troops. Money was given to *disband* them, and the Act directed, That it should be paid into the Chamber of London, and Commissioners of their own were appointed to see it apply’d to that Use. Whatever Diffidence of the King this might imply, I do not find that ANY MEMBER lost his LIBERTY for FREEDOM OF SPEECH on that Occasion. The Opinion that Parliament had of a Standing Army appears in the Resolution they came to, “ That the
 “ Continuance of Standing Forces in this Na-
 “ tion, other than the Militia, was illegal, and

“ a great Grievance and Vexation to the People. ”

I shall now take Leave to consider the Arguments advanced for continuing SIXTEEN THOUSAND, THREE HUNDRED, FORTY SEVEN MEN, for the ensuing Year.

It is said,

THAT there is a Disaffected Party in the Kingdom, which makes an Army necessary.

If this Argument will prevail, 'tis strange it has not prevail'd for Six Hundred Years past ; since no *Period* within that Time can be assign'd, wherein this Argument was not as strong, as in the *present*.

During the long Controversy between the Houses of York and Lancaster touching the Right of Succession, (in which each Side had its Turn of being Uppermost) one would think, it should have been natural for the prevailing Party, in order to their Security, to have insisted on the Continuance of their Regular Troops, at least for a Time. There was A PRETENDER to the Crown, who had a strong Party in the Nation, and the Government was insecure till the Spirit of Rebellion was suppress'd. It might then with an Appearance of Reason have been insisted on, That the Taxes on the Disaffected should be increas'd, that those, who occasion'd the Expence, should bear the Burthen, till the Danger was over.

Why

Why this sort of Reasoning did not then prevail, is obvious. They saw it was *unsafe* to trust any Prince, even ONE OF THEIR OWN SETTING UP, with such a Power, which if ill apply'd might enslave them.

Another Period of Time I shall take Notice of is, that of *Queen Elizabeth's Reign*. The *Disaffection* to Her in the Beginning of it was great, occasion'd by the *Reformation in Religion*, and the *Application of Ecclesiastical Revenues to Secular Uses*. Many Plots there were against her Life. SPAIN (one of the greatest Powers in Europe at that Time) attempted an INVASION, and a more proper Juncture could not have happen'd, wherein to have ask'd for an Army. But, instead of that, the greatest Part of the Forces then got together, to oppose the INVASION consisted of MILITIA, and as soon as the ARMADO was scattered, the Army was disbanded. That Queen being sensible, that the true, the only, Support of the Crown, was the Good-will and Affections of the People.

Another Argument brought for the Continuance of the Army is,

THAT the Denying it does insinuate a Distrust of his Majesty.

How disingenuous and Unparliamentary a Way of Arguing this is, let Gentlemen judge.

judge. For to draw *that sacred Name* into a *Debate*, must put every Body to Pain, who takes the *other Side* of the *Question*, in Regard it may be construed, that the *stronger* the *Argument* is, the *greater* is the *Distrust*.

But *this Reasoning*, in my Opinion, turns quite *another Way*, and instead of implying a *Distrust*, argues the *greatest* Regard to the Safety of *His Majesty's* Person and Government. Who can answer for the *Caprice* of an *Army*, when once *establish'd*?

Although no Man living has a greater Esteem than my self for *those honourable Gentlemen*, who have with so much *Bravery* serv'd their Country in a *Military Way*, nor shall any Man go further in *rewarding* their *Services*; yet the common *Experience* of Mankind *demonstrates*, That it is not reasonable to expect an *Army* should be always in the *same Humour*. AUGUSTUS CÆSAR liv'd in great *Peace* and *Security* with the PRÆTORIAN BANDS, which had put an End to the ROMAN LIBERTIES. But the *Case* was *different* with his *Successors*. For of *Twenty Six* Emperors, no less than *Sixteen* were *pull'd to pieces* by their own *Soldiers*. Did not the *Army* here in *England*, in the TIMES OF USURPATION, if I may be allow'd to name them, in a short Space change the *Government* into *Ten* several *Forms*? What *Treatment* did the *Parliament*, who had rais'd
and

and *supported* them, meet with from them? They *besett* the *House*, repuls'd *Many Members* who would have come in, *Others* they dragged out even by the *Legs*, and at length they were *All* turned out, and the *Doors* shut up. I say this with the *more Assurance*, having had the Account from an *Honourable Person*, lately dead, who was an *Eye-witness* of it. *This Army*, 'tis true, (which consisted of about SEVENTEEN THOUSAND MEN) afterwards brought in *King Charles the Second*. But *that Prince* soon *disbanded* them, being well aware, that the *same Army*, which brought him in, should their *Minds* change, might again turn him out.

This *Objection*, drawn from a *Distrust* of his *Majesty*, deserves another *Name*. 'Tis an *honest*, 'tis a *reasonable*, *Jealousy* of the growing *Power* of the *Crown*, which those, that went before us, always *avow'd*. May it not with *Parity* of *Reason* be said, That because I will not *consent*, that the *King* shall by his *Proclamation* raise *Money* without *Parliament*, that this is a *Distrust* of his *Majesty*? Because I will not *consent* to give up *Magna Charta*, and accept of a *new Patent* at *Pleasure*, may not this likewise be call'd a *Distrust* of his *Majesty*? But, *suppose* from an *Opinion* of the *Virtue* of the *Troops*; from an *Opinion*, that *Men in Power* will not make an *ill Use* of it; that *those*, who may be *Masters*, will choose to continue

nue Servants; that Men under the *same Circumstances* will not do the *same Things*; and that we should *consent* for *ourselves*; to *deposit* our *Liberties* in *their Hands* for a while; will any one say, that we have an Authority also to *consent* on the *Behalf* of *those* we *Represent*? A *Sum of Money*, a *Jewel*, or other *valuable Thing*, is committed to *my Care*; I, without the *Owner's Consent*, leave it in the *Possession* of *another*; although the *Person* with whom I left it, does not actually *embezzle* the *Money*, or *detain* the *Jewel*, yet do I break my *Trust* by putting it into his *Power* so to do.

It is *self-evident*, that by keeping up *such* a *Number of Forces*, who may, when they are disposed, controul the *Power* of the *Civil Magistrate*, that the *Strength* and *Security* of our *Constitution* is at an *End*, and that we have no other *Rule of Government* left, than *Will* and *Pleasure*. The *Notion* I have of *SLAVERY* is the being subjected to the *Will* of *another*; and notwithstanding the *Rod* be not always on my *Back*, or the *Dragoon* in my *House*; yet, if it is not in my *Power* to *prevent* its being so, I am no longer *free*. After *AUGUSTUS* had established his *EIGHT THOUSAND REGULAR TROOPS*, the *Roman Constitution* was as much at an *End*, as it was in *NERO's* Time. Although the *TYRANNY* was not by *AUGUSTUS* exercis'd,

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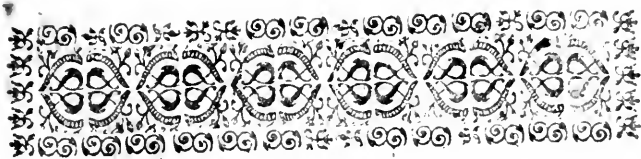
with the like Severity it was by his Successors; yet, from the Time his Power became irresistible, the ROMANS were Slaves.

Another Argument us'd for this Number of Troops is,

THAT there are no Thoughts of Establishing them, but only Continuing them for a Year.

If the Notion be true, which no Gentleman in the Debate has deny'd, That the Number of disciplin'd Men now contended for, are sufficient to dictate to the greatest Number undisciplin'd; I desire to know who shall dare to bid them go Home? 'Tis said indeed the Parliament will not provide for them: Why may not they then, as others in their Circumstances have done, PROVIDE FOR THEMSELVES? Is it reasonable to think, that Men will starve with Swords in their Hands?

I am sensible, that I have too much trespassed on Gentlemen's Patience. I shall say no more, but that Bodies Political, as well as natural, have their Periods: GOVERNMENTS must die, as well as Men; Ours is grown old and crazy, and though She has surviv'd her Neighbours, yet I fear her DAY approaches.



A

S P E E C H

A G A I N S T

Continuing the Army, &c.

As it was

Spoken the 7th Day of *December*, 1717.

I N T H E

House of C O M M O N S.

By Sir T^h H^{amilton}, Bart.

S I R,

Cannot forbear *troubling* you with
a *few Words* upon *this Subject*, tho'
I can neither flatter myself with
the Hopes of convincing *any One*,
nor pretend to be able to offer *any Thing*
to your Consideration, which has not in a
better

better Manner been urged already. But I am truly concern'd for the *Mischiefs*, which I think we are giving Way to; and if I cannot *prevent* them, it will be a *Satisfaction* to me: at least to *protest* against them.

All Gentlemen who have spoke in this I have, have, for their *different Opinions*, agreed in one thing, to press very much the *Argument of Danger*, and the only *Question* is on which *Side* the *Danger* lies; whether to the *Government* without a *MILITARY FORCE* to support it, or to the *Constitution and Liberties of Great-Britain* from that *MILITARY FORCE*, if it be allow'd to continue in it.

As to the *Dangers*, which threaten the *Government*, I think I am not willing to overlook them. But I hope we may be *excus'd*, if we cannot be *convinc'd* of *Dangers*, which no Man, that I hear, pretends to *explain* to us.

Abroad the *State and Circumstances of Europe* happen to be such, that I think it is hard to suppose a Time possible, when there shall be *less Appearance*, or *Apprehension*, of any *immediate Disturbance* to this *Kingdom*. The *three great Powers*, those which are *most considerable* in themselves, and of *nearest Concern* to us, I mean, the *Empire, France and Holland*, are so far from being at any *Enmity* with us, that they are all of them *our fast Friends and Allies*, at least we are told so, and hear very often a great deal of *boasting* upon that
Subject,

Subject, whenever the *Administration of the Government* is to be extoll'd, and the *Merits* of it are to be set forth to us. Upon those *Occasions* we hear of nothing, but the *wise and useful Treaties*, which have been made; the *great Influence*, which we have acquir'd in *foreign Courts and Councils*; and the *solid Foundations*, which are laid for our *Security*. But, when in *Consequence* of these *great Things*, we come to talk of *reducing Forces*; then I observe the *Language* is quite turn'd the *other Way*; then we are in the *weakest and most insecure Condition* imaginable; there is no *Dependence* upon any *Thing*, and we must even be thought *disaffected* to the *Government*, if we will not believe, that we are *surrounded on all Sides* with the *greatest Dangers*.

But, in the midst of these *Contrarieties* and *Contradictions*, I think we need not be at any *Loss* what our *Conduct* ought to be; if we will but have *Regard* to those *plain Rules* and *Maxims*, which have always been observ'd in the *like Cases* with that, which is now before us.

It would certainly be an endless *Thing*, for an *House of Commons* to enter into the **SECRETS OF STATE**, and to debate upon the *different Views*, and *Interests*, and *Intrigues* of *foreign Courts*; what *Jealousies* are among them, and what *Treaties* are on foot to *reconcile* them. If we take *such Things* into our *Considerations*, to guide us in
Questions

Questions concerning our own *Guards and Garrisons* here at home, we shall be in a *Labyrinth* indeed, and must be compell'd at last to put an *absolute Trust* in the *Government* ; because *they* only know the *Truth* of *such Matters*, and from *them* we must be content to receive whatsoever *Account* *they* think fit to give us of them. But the only Thing proper for us to look to is, what is plain and obvious to the Sense of all Mankind, I mean, *When are the Times of present Peace*. There need no *Refinements of Politicks* to know that, and I will venture to say, that during *such Times of Peace*, no remote Fears, no *Arguments* drawn from *Contingencies* of what may be hereafter, have ever yet brought this Nation, into a *Concession* so fatal to *Liberty*, as the Keeping up of *Standing Forces*, when there is no other *Employment* for them, but to *insult* and *oppress* their *Fellow-Subjects*. I say there has hitherto been no *Precedent* of that kind, and the Misfortune of this Case is, there will need but *One Precedent* in it ; *One wrong Step* taken in this *Particular*, may put an End to all your **CLAIMS OF RIGHTS AND PRIVILEGES**.

And on the other Hand I beg it may not be taken for granted, that, if we *dismiss* our *Soldiers*, we shall therefore leave ourselves *naked*, and *void of all Protection* against any *sudden Danger*, that may arise. No,
Sir,

Sir, *Providence* has given us the *best Protection*; if we do not foolishly throw away the Benefit of it. Our *Situation*, that is our *natural Protection*; Our *Fleet* is our *Protection*; and, if we could ever be so happy, as to see it rightly pursued, A GOOD AGREEMENT BETWIXT THE KING AND PEOPLE, uniting and acting together in ONE NATIONAL INTEREST, would be such a *Protection*, as none of our *Enemies* would ever *hope* to break through.

It is a very melancholy Thing to me to hear any other *Notions* of *Government* advanced here; and that *his Majesty*, either from his *private* or his *General Council*, should ever upon *this Subject* have any Thing inculcated to him, but this great Truth, That the TRUE AND ONLY SUPPORT OF AN ENGLISH PRINCE DOES, AND OUGHT TO CONSIST IN THE AFFECTIONS OF HIS PEOPLE. It is *That* should *strengthen* his Hands; it is *That* should give Him *Credit* and *Authority* in the Eyes of *other Nations*; and to think of *doing* of it by keeping up a Number of *Land Forces* here at Home, *such a Number*, as can have any *Awe* or *Influence* over the great Powers on the Continent, is, I think, one of the mildest Imaginations, that ever entered into the Heart of Man. The only Strength of this Nation must always
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consist in the *Riches* of it; *Riches* must be the *Fruits* of *Publick Liberty*; and the *People* can neither acquire *Riches*, nor the *King* have the *Use* of them, but by a *Government* founded in their *Inclinations* and *Affections*.

If this be *true*, then of *Consequence* it follows, That *whoever* advises his *Majesty* to aim at any *additional Security* to himself from a *Standing Army*, instead of *increasing* his *Strength*, does really *diminish* it, and *undermine* his *true Support*, by robbing him of the *Hearts* of his *Subjects*. For this I take for granted, that as there are but *two Ways* of *Governing*, the *one* by *Force*, and the *other* by the *Affections* of the *People* governed, it is impossible for any *Prince* to have them *both*. He must choose *which* of the *two* he will stick to; for he can have but *one*. If he is *Master* of their *Affections*, he stands in no need of *Force*; and if he will make *Use* of *Force*, it is in vain for him to *expect* their *Affections*. For it is not in *Nature*, and it can never be brought to pass, that *Men* can love a *Government*, under which they are loaded with *heavy Taxes*, and pay a *considerable Part* of their *Estates* to maintain an *Army*, which *insults* them in the *Possession* of the *Rest*, and can turn them out of the *Whole*, when-ever they please.

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With Submission therefore the *Argument* is taken by the *wrong End*, when it is said, There are great *Animosities* in the Kingdom, the *People* are *disaffected*, and upon that *Account* there is a *Necessity* of keeping up an *Army*. It concludes much *righter* the other *Way*; that is, *Dismiss* your *Army*, and give no other *Cause* of *Suspicion*, that any *Part* of the *Constitution* is to be *invaded*, and the *People* will be *well-affected*. Upon any other foot, than this, *What MINISTER* will ever care, whether he does *right* or *wrong*? it is not his *Concern*, whether the *People* are *easy* or *uneasy*; his *Army* is his *Dépendence*: Nay, and the more, by his *wicked Councils*, he *exasperates* and *irrages* the *People*, the *stronger* he makes his *Pretence* for maintaining and increasing that *Army*, which *supports* him.

What I have said, I confess, goes upon a *Supposition*, that the *Numbers* contain'd in the *Estimate*, and in the *Question* before you, do make an *Army*, *formidable* enough, and *able* to *enslave* this *Nation*; of which indeed there remains no *Doubt* with me. In the *Manner* those *Forces* are *constituted*, I think, a *Prince*, who would *wish* to be *arbitrary*, could *desire* no more; and if he had all the *Power* in his *Hands*, I think, for his *own sake*, he would *keep* no more.

Of what *Nature* the *Reductions* have been, other *Gentlemen* have so fully explain'd, and I believe it is so *generally understood*, that it

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will be needless for me to dwell upon it. But the *Short of the Case* is this, That, out of THIRTY TWO THOUSAND MEN, thirteen Regiments only have been disbanded, which do not amount to more than five or six Thousand, besides a few Invalids, which were taken from the *Establishment of the Army*, and put upon the *Establishment of the Hospital*. So that there are the Corps now subsisting of more than TWENTY FIVE THOUSAND MEN, which Corps may be filled up to their *entire Complement*, whenever the Government pleases, and that even without any Noise, or Notice taken. For the Case is very different in that respect, where the Regiments are few, and those kept compleat. There, if the Numbers allowed by Act of Parliament are exceeded, it must be by raising new Regiments, which is easily seen and known. But where the Corps are kept up with only a few Men in them, and some Recruits will always be necessary for them, there, if the Government is willing to be at the Charge, they may keep the Numbers up to what they please, and it is impossible to know when the Parliamentary Standard is exceeded, and when not. Thus therefore stands our Account. In the first Place, the Publick is to pay EIGHTEEN THOUSAND MEN; in the next Place the Number of effective Men is to be SIXTEEN THOUSAND THREE HUNDRED

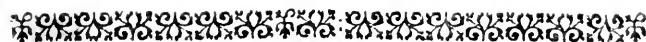
DRED FORTY SEVEN; and if *those* are not *sufficient* to exercise *Dominion* over us; yet, in the *manner* they are kept together, they are *equivalent* to TWENTY FIVE THOUSAND MEN; the *Charge* is *inconsiderably less*, and the *Terror*, which is the *main Thing*, is not at all *abated*.

For the taking this *dangerous Step*, the only *Justification* I hear *Gentlemen* offer for themselves, the only *Shelter* they fly to, is the *great Confidence*, which is to be reposed in *his Majesty's just and gracious Intentions*: Of *those* I will *entertain* no *Doubt*; I believe *his Majesty* is too good to be *suspected* of any *arbitrary Designs*. But yet there is a *general Suspicion*, which I will never be *ashamed* or *afraid* to *own*; because it is a *Suspicion interwoven* in our *Constitution*; it is a *Suspicion*, upon which our *Laws*, our *Parliament*, and every *Part* of our *Government* is *founded*; which is, That too much *Power* lodged in the *Crown*, (*abstracting* from the *Person*, that *wears* it) will at some *Time* or other be *abused* in the *Exercise* of it, and can never long *consist* with the *natural Rights* and *Liberties* of *Mankind*. And therefore *whatever Opinions* we have of *his Majesty's Goodness*, and *how much* soever he *deserves* them, We should still consider, that in *this Place* we are under a *distinct Duty* to our *Country*, and by *that Duty* we should be as *incapable* of *giving up* such an *unwarrantable*

rantable Trust, as his Majesty, I am perswa-
ded, would be incapable of abusing it, if he
had it in his Hands. Those we represent will
expect, and they ought to expect, from us,
that they should not only continue to enjoy
what belongs to them, as ENGLISHMEN;
but that they should hold it still by the same
Tenure. Their Estates, their Lives, and their
Liberties they have hitherto possess'd, as their
Rights, and it would be a very great and a
sad Change, and such as shall never have my
Consent along with it, to make them only
Tenants at Will for them.



THE



T H E

R E A S O N S

Given by the *LORDS*, who
Protested against the *BILL* for
punishing Mutiny and Desertion.

Die Jovis, 20°, Februarii, 1717.

*The Question was put, That it be an In-
struction to the Committee of the whole
House, to whom the Bill, Entitled, An Act
for punishing Mutiny and Desertion,
and for the better Payment of the Army
and their Quarters, stands committed ;
That they do provide, that no Punishment
shall be inflicted at any Court Martial, which
shall extend to Life or Limb.*

It was Resolved in the Negative.

Dissentient.

I. **B**Ecause the Exercise of Martial Law
in time of Peace, with such Power,
as is given by this Bill to inflict Punishments
extending to Life and Limb, was not in the
first Year of this Reign, nor hath in any
former Reign been allowed within this
Kingdom, by Consent of Parliament ; but
hath

hath, upon any Attempts made to introduce such a Power, been oppos'd and condemn'd by Parliament, as repugnant to *Magna Charta*, and inconsistent with the fundamental Rights and Liberties of a free People.

II. Because after the Peace of *Ryswick* and that of *Utrecht*, in the several Reigns of King *William* and Queen *Anne* of Glorious and Ever Blessed Memories, no such Power was given to any Court Martial; yet it is well known, that the Forces then continued on Foot were kept in exact Discipline and Order.

III. Because it is not ascertain'd, either by this Bill, or by any other known Law or Rule, what Words or Facts amount to Mutiny or Desertion, or to an Exciting, Causing, or Joining in Mutiny; and consequently the Judges of a Court Martial have it in their Power, to declare what Words or Facts they think fit to be Mutiny or Desertion, and to take away the Life of any Officer or Soldier by such an Arbitrary Decision.

IV. Because should Death be thought the proper Punishment in time of Peace for Mutiny or Desertion, or even for the least Disobedience to any lawful Command; yet, as we conceive, the Nature of such Offences ought first to have been ascertain'd by this Bill; and the said Offences being declared Capital, the Tryal thereof ought to have been
been

been left to the ordinary Course of Law; in Consequence whereof the Officers and Soldiers would upon such Tryals have been entitl'd to all those valuable Privileges, which are the Birth-right of every *Briton*. Nor doth it appear to us, That any Inconvenience could thereby have arisen to the Publick in time of Peace : at least not any such, as can justify our Depriving the Soldiery of those Legal Rights, which belong to the meanest of their Fellow-Subjects, and even to the vilest of Malefactors.

Then a Motion being made, and the Question being put, That it be an Instruction to the said Committee of the whole House, That they do make an effectual Provision to secure the Obedience both of the Officers and Soldiers, to be continued by this Bill, to the Civil Magistrate according to Law.

It was Resolved in the Negative.

Dissentient.

I. Because no Provision whatsoever is made by this Bill for Securing the Obedience of the Military to the Civil Power, on which the Preservation of our Constitution depends.

II. Because

II. Because we conceive that a great Number of armed Men governed by Martial Law, as they have it in their Power; so are naturally inclined not only to disobey, but to insult the Authority of the Civil Magistrate; and we are confirmed in this Opinion, as well by the Experience of what hath happened here at Home, as by the Histories of all Ages and Nations; from which it appears, that wherever an effectual Provision hath not been made to secure the Obedience of the Soldiers to the Laws of their Country, the Military hath constantly subverted and swallowed up the Civil Power.

Devonshire, W. Ebor. Buckingham, Anglesey, Jo. Winton. North and Grey, Scarf-dale, Strafford, Poulet, Guilford, Delorain, Abingdon, Dartmouth, Belhaven, Jo. London, Harcourt, Willoughby Br. Townsbend, Boyle, Bristol, Castleton, Foley, Tadcaster, Gower, Rutland, Montjoy, Bathurst, Lumley, Trevor, Bingley, Bute, P. Hereford, Berkeley Str. Northampton, Ilay, Weston, Mansel, Fr. Roffen. Oxford, Fr. Cestriens, Geo. Bristol, Compton, Masbam, Greenwich.



Die Lunæ 24^o, Februarii, 1717.

*The Question being put, Whether this
Bill shall pass?*

It was Resolved in the Affirmative.

Dissentient.

I. **B**Ecause the Number of Sixteen Thousand Three Hundred Forty Seven Men is declar'd necessary by this Bill. But it is not therein declar'd, nor are we able, any Way, to satisfy Ourselves, from whence that Necessity should arise: The Kingdom being now (God be prais'd) in full Peace, without any just Apprehension, either of Insurrections at Home, or Invasions from Abroad.

II. Because so numerous a Force is near double to what hath ever been allow'd, within this Kingdom, by Authority of Parliament in Times of publick Tranquillity; and being, as we conceive, no Ways necessary to support, may (we fear) endanger

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ger our Constitution; which hath never yet been entirely subverted, but by a Standing Army.

III. Because the Charge of keeping up so great a Force, ought not unnecessarily to be laid on the Nation, already over-burthen'd with heavy Debts; and this Charge we conceive to be still more unnecessarily increas'd by the great Number of Officers, now kept on the Establishment, in Time of Peace; a Number far greater (in Proportion to that of the Soldiery commanded by them) than hath ever yet been thought requisite in times of actual War.

IV. Because such a Number of Soldiers, dispers'd in Quarters throughout the Kingdom, may occasion great Hardships, and become very grievous to the People, and thereby cause, or increase, their Disaffection, and will probably ruin many of his Majesty's good Subjects, on whom they shall be quartered, and who have been already, by that Means, greatly impoverish'd.

V. Because such a Standing Force, dangerous in it self to a Free People in Time of Peace, is, in our Opinion, render'd yet more dangerous by their being made subject to Martial Law; a Law unknown to our Constitution, destructive of our Liberties,

ties, not endur'd by our Ancestors, and never mention'd in any of our Statutes, but in order to condemn it.

VI. Because the Officers and Soldiers themselves, thus subjected to Martial Law, are thereby, upon their Tryals, divested of all those Rights and Privileges, which render the People of this Realm the Envy of other Nations, and become lyable to such Hardships and Punishments, as the Lenity and Mercy of our known Laws utterly disallow; and we cannot but think those Persons best prepar'd, and most easily tempted, to strip others of their Rights, who have already lost their own.

VII. Because a much larger Jurisdiction is given to Courts-Martial by this Bill, than to us seems necessary for maintaining Discipline in the Army; such Jurisdiction extending not only to Mutiny, Desertion, Breach of Duty, and Disobedience to military Commands, but also to all Immoralities, and every Instance of Misbehaviour, which may be committed by any Officer, or Soldier towards any of his Fellow-Subjects: By which Means, the Law of the Land, in Cases proper to be judg'd by that alone, may, by the summary Methods of Proceedings in Courts-Martial, be obstructed, or

superfeded; and many grievous Offences may remain unpunish'd.

VIII. Because the Officers constituting a Court Martial do at once supply the Place of Judges and Jurymen, and ought therefore, as we conceive, to be sworn upon their Trying any Offence whatsoever; and yet it is provided by this Bill, that such Officers shall be sworn upon their Trying such Offences only, as are punishable by Death; which Provision we apprehend to be defective, and unwarranted by any Precedent: There being no Instance, within our Knowledge, wherein the Judges of any Court, having Connusance of Capital and Lesser Crimes, are under the Obligation of an Oath, in respect of the one, and not of the other.

IX. Because the Articles of War, thought necessary to secure the Discipline of the Army in Cases unprovided for by this Bill, ought, in our Opinion, to have been inserted therein, in like Manner as the Articles and Orders for Regulating and Governing the Navy were Enacted in the Thirteenth Year of King *Charles* the Second; to the End that due Consideration might have been had by Parliament, of the Duty enjoyn'd by each Article to the Soldiers, and of the Measure of their Punishment. Whereas
the

the Sanction of Parliament is now given by this Bill to what they have had no Opportunity to consider.

X. Because the Clause in the Bill, enabling his Majesty to establish Articles of War, and erect Courts Martial, with Power to try and determine any Offences, to be specify'd in such Articles, and to inflict Punishments for the same, within this Kingdom, in time of Peace, doth, as we conceive, in all those Instances, vest a sole Legislative Power in the Crown; which Power, how safely soever it may be lodg'd with his present Majesty, and how tenderly soever it may be exercis'd by him, may yet prove of dangerous Consequence, should it be drawn into Precedent in future Reigns.

XI. Because the Clause in the Bill alledg'd to be made, for enabling honest Creditors to recover their just Debts from Soldiers, seems to us, rather to give a Protection to the Soldiers, than any real Advantage to his Creditor, or other Person, having just Cause of Action against him. It protects the Person of a Soldier from Executions, as well as Mesne Process, for any Debt under Ten Pounds; and it protects the Estate and Effects, as well as the Person, of every Soldier, from all other Suits, but for Debt, where the Cause of
Action

Action doth not amount to the like Sum. And in other Cases, where the Cause of Action exceeds that value, Plaintiffs are in many Instances put under such unreasonable Difficulties, as we conceive, before they can be allow'd even to commence their Suit, that their bare Compliance therewith may become more grievous to them, than the Loss of their Debt, or a quiet Submission to the Wrong sustained. By which Means, his Majesty's good Subjects may be highly injur'd in their Properties, and insulted in their Persons, by the Soldiery, and yet be deprived of the legal Remedies appointed for the Redress of such Grievances.

*W. Ebor. Northampton, Strafford, Scarfsdale,
Fr. Cestriens. Bristol, Gower, Greenwich,
Compton, Poulet, Boyle, Tadcaster, Bute,
Guilford, Litchfield, Harcourt, North
and Grey, Foley, Ilay, Mansel, Dart-
mouth, Bathurst, P. Hereford, Fr. Roffen.
Weston, Trevor, Oxford, Abingdon.*

F I N I S.







